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**1 — Lake Pontchartrain oil platform fire 'no immediate environmental threat': DEQ, Times Picayune, 10/16/17**

[http://www.nola.com/traffic/index.ssf/2017/10/lake\\_pontchartrain\\_oil\\_platfor.html](http://www.nola.com/traffic/index.ssf/2017/10/lake_pontchartrain_oil_platfor.html)

The oil storage platform fire that injured seven workers and left one missing in Lake Pontchartrain near Kenner does not appear to pose "any immediate environmental threat," a Louisiana Department of Environmental Quality spokesman said Monday morning (Oct. 16). The fire, which broke out Sunday night during maintenance work, has largely subsided. Greg Langley, the department's press secretary, said state inspectors are working in support of the Jefferson Parish Sheriff's Office, the lead agency on the incident, but high winds and choppy water on the lake have hampered their efforts and limited site visits to larger boats.

**2 Oil pipeline break in Gulf of Mexico under federal investigation, Times Picayune, 10/16/17**

[http://www.nola.com/environment/index.ssf/2017/10/federal\\_panel\\_to\\_investigate\\_r.html#incart\\_river\\_index](http://www.nola.com/environment/index.ssf/2017/10/federal_panel_to_investigate_r.html#incart_river_index)

The federal Bureau of Safety and Environmental Enforcement has convened a panel of inspectors, engineers and accident investigators to review a break in an underwater pipe that resulted in the release of up to 9,350 barrels of oil into the Gulf of Mexico about 40 miles southeast of Venice on Thursday (Oct. 12). LLOG Exploration Offshore reported the ruptured pipe to the Coast Guard on Friday and was eventually able to shut off the flow of oil. The company estimated that between 7,950 barrels and 9,350 barrels of oil -- or between 333,900 and 392,700 gallons -- were released 4,463 feet below the surface.

**3 — What you should know about free lead testing for your New Orleans water, Times Picayune, 10/16/17**

[http://www.nola.com/environment/index.ssf/2017/10/new\\_orleans\\_lead\\_water\\_drinkin.html#incart\\_river\\_index](http://www.nola.com/environment/index.ssf/2017/10/new_orleans_lead_water_drinkin.html#incart_river_index)

As New Orleans faces \$1.8 billion in street improvements, there is something to worry about besides snarled traffic and mourning the loss of so many potholes: The literal shaking of city streets could infuse our drinking water with lead. When I saw construction begin at the end of my Mid-City street and city workers began tearing up pavement, I wondered if our drinking water could be effected. I'd read on NOLA.com that the New Orleans Sewerage and Water Board offers free lead testing, so I made the call and did the test.

**4 — Senate to release Interior-EPA bill, EE News, 10/16/17**

<https://www.eenews.net/eedaily/stories/1060063665>

Senate appropriators aren't likely to follow the White House's lead this week when they mark up their fiscal 2018 spending bill for U.S. EPA and the Interior Department. Republicans and Democrats on the committee have expressed dissatisfaction with a range of recommended reductions from the Trump administration, including to Interior's Land and Water Conservation Fund and EPA's overall budget.

**5 — Pruitt clamps down on 'sue and settle', Greenwire, 10/16/17**

<https://www.eenews.net/greenwire/2017/10/16/stories/1060063751>

U.S. EPA Administrator Scott Pruitt moved today to curb settlements with environmental groups, a practice critics say the Obama administration used to issue new regulations. Pruitt signed an agencywide directive that puts in place timelines for public notice of complaints against EPA.

**6 — Greens urge judge to reject Trump EPA's Texas haze plan, Greenwire, 10/16/17**

<https://www.eenews.net/greenwire/2017/10/16/stories/1060063731>

U.S. EPA's plan for meeting regional haze requirements in Texas is a "bait and switch," environmental groups charge in a new court filing that accuses the agency of illegally ignoring public input requirements and asks a federal judge to order EPA to submit an acceptable replacement within 30 days.

**7 — Coal Struggles In Texas, Despite Pro-Coal Administration, Houston Public Media, 10/17/17**

<http://www.houstonpublicmedia.org/articles/news/energy-environment/2017/10/17/242787/coal-struggles-in-texas-despite-pro-coal-administration/>

Texas coal is struggling, despite pro-coal politics. Luminant's recent decision to close two major coal plants reveals how economics can overshadow policy. Back in April, at a celebration of NRG's new "carbon capture" plant near Houston, Energy Secretary Rick Perry praised President Trump for his pro-coal policies.

**8 — TEXAS' CLEAN ENERGY PRODUCERS STAND TO LOSE IF EPA ABANDONS CLEAN POWER PLAN, Texas Standard, 10/16/17**

<http://www.texasstandard.org/stories/categories/energy-environment/#>

Last week Environmental Protection Agency Director Scott Pruitt announced the EPA will try to repeal the Obama administration's Clean Power Plan. That's just one of many regulatory rollbacks the agency is pursuing. The Clean Power Plan would have been a big boost for Texas. Kiah Collier, a reporter for the Texas Tribune, says to expect legal challenges to the repeal.

**9 — EPA Cleanup Plan for Houston Superfund Site Opposed by Industry, Circle of Blue, 10/17/17**

<http://www.circleofblue.org/2017/world/epa-cleanup-plan-houston-superfund-site-opposed-industry/>

In a decision cheered by environmental and public health groups, the U.S. Environmental Protection Agency finalized a \$115 million cleanup plan for the San Jacinto waste pits, one of the Houston-area Superfund sites that was flooded in August during Hurricane Harvey. Local officials, according to the Houston Chronicle, called the recommendation for complete removal of soils that are contaminated with dioxin, a cancer-causing chemical that can take centuries to break down, the most important action that the EPA has taken in Harris County. Dioxin has been found in fish and crabs in the San Jacinto River and downstream in Galveston Bay, areas of commercial and recreational fishing.

**10 — Texas' largest power generator speeds up coal's decline with closure of two more plants, Dallas Morning News, 10/14/17**

<https://www.dallasnews.com/business/energy/2017/10/13/texas-largest-power-generator-speeds-coals-decline-closure-two-plants>

Coal's decline in Texas accelerated this week as Luminant announced it would close three coal-fired power plants in early 2018. Combined, they account for 12 percent of the state's coal power plant capacity. The state's largest power generator revealed Friday that the Big Brown Plant southeast of Corsicana and Sandow Plant northeast of Austin would close next year.

**11 — Report: Texas water supplies in farm country pose cancer risks, Austin American Statesman, 10/17/17**

<http://www.mystatesman.com/news/state--regional/report-texas-water-supplies-farm-country-pose-cancer-risks/bnGRmRQUhYEPHdQVgcZFDO/>

Researchers with a nonprofit environmental advocacy group warn that high levels of contaminants in drinking water supplies in rural areas of Texas — including Central Texas — and across the country increase risks of cancer and birth defects, according to a report released Tuesday. The Environmental Working Group says drinking water in farm country is threatened by nitrates, chemicals found in manure and commercial fertilizers, and trihalomethanes, a

chemical byproduct created when “utilities treat water with chlorine to remove algae, fecal bacteria and other farm pollutants.”

**12 More than 4,000MW of coal power slated for retirement in Texas. But why?, Ars Technica, 10/16/17**

<https://arstechnica.com/tech-policy/2017/10/more-than-4000-mw-of-coal-power-slated-for-retirement-in-texas-but-why/>

Late last week, power company Vistra Energy announced that it would close two of its Texas coal plants by early 2018. In a press release, the company blamed "Sustained low wholesale power prices, an oversupplied renewable generation market, and low natural gas prices, along with other factors." Just the week before, Vistra subsidiary Luminant had announced another Texas plant closure, according to Reuters. The three Texas coal plants reflect more than 4GW of capacity. The plants are only the latest in a string of announced retirements from power companies that find their coal units offline more and more often due to low electricity prices.

**13 Plans to test school drinking water for lead were abandoned after water board raised questions, La. Weekly, 10/16/17**

<http://www.louisianaweekly.com/plans-to-test-school-drinking-water-for-lead-were-abandoned-after-water-board-raised-questions/>

New Orleans school officials abandoned plans to test water fountains and faucets for lead after the Sewerage and Water Board argued they should allow more lead in the water before taking action, according to documents obtained by The Lens. The water agency said it wanted to collect samples alongside the company hired by the school districts. That led the head of the company to raise the possibility of dueling test results.

**14 City of Sulphur re-introduces fluoride to water system, KPLC, 10/16/17**

<http://www.kplctv.com/story/36609536/the-city-of-sulphur-re-introduces-fluoride-to-water-system>

There's something different in the Sulphur City Water supply and not everyone is happy about it. The City just re-introduced Fluoride into its system today, to meet a state requirement. Many Sulphur residents are concerned about re-establishing Fluoride in their drinking water, but medical experts are certain it's not harmful especially with such low quantities in the water.

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## METRO NEW ORLEANS TRAFFIC, FIRES AND ACCIDENTS

# Lake Pontchartrain oil platform fire 'no immediate environmental threat': DEQ

Updated on October 16, 2017 at 10:07 PM

Posted on October 16, 2017 at 11:58 AM

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By **Drew Broach**, [dbroach@nola.com](mailto:dbroach@nola.com),  
NOLA.com | The Times-Picayune

The oil storage platform fire that injured seven workers and left one missing in Lake Pontchartrain near Kenner does not appear to pose "any immediate environmental threat," a Louisiana Department of Environmental Quality spokesman said Monday morning (Oct. 16). The fire, which broke out Sunday night during maintenance work, has largely subsided.

Greg Langley, the department's press secretary, said state inspectors are working in support of the Jefferson Parish Sheriff's Office, the lead agency on the incident, but high

winds and choppy water on the lake have hampered their efforts and limited site visits to larger boats. "Today is not a good day to be out there," Langley said.

The platform, owned by Clovelly Oil Co. of New Orleans, is not a drilling structure but is used to store and transfer oil produced at other sites, Langley said. Natural gas powers some of the platform's equipment.

Langley said the fire continues to burn off some of the residual natural gas in pipelines feeding it. "We don't perceive any immediate environmental threat," he said.

. . . . .

*Drew Broach covers Jefferson Parish politics and Louisiana interests in Congress, plus other odds and ends, for NOLA.com | The Times-Picayune. Email: [dbroach@nola.com](mailto:dbroach@nola.com). Facebook: [Drew Broach TP](#). Twitter: [drewbroach1](#). Google+: [Drew Broach](#).*

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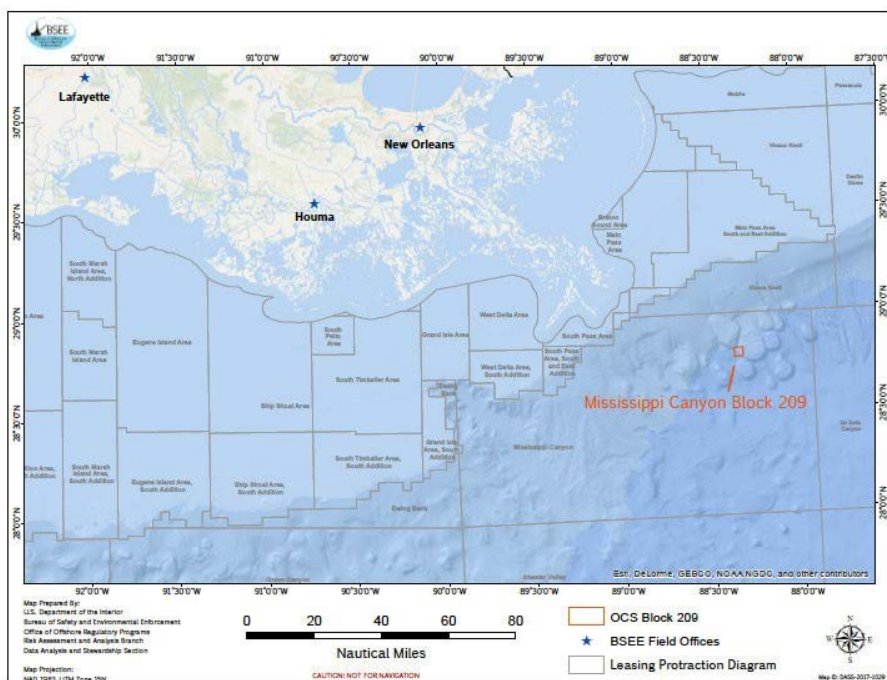
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## LOUISIANA ENVIRONMENT AND FLOOD CONTROL

# Oil pipeline break in Gulf of Mexico under federal investigation

Updated on October 16, 2017 at 9:47 PM

Posted on October 16, 2017 at 5:07 PM



This map shows the location of the leak of as much as 9,350 barrels of oil from a pipe nearly a mile below the surface of the Gulf of Mexico. The pipe is owned by LLOG Exploration Company LLC of Covington. (Bureau of Safety and Environmental Enforcement)

3

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By **Mark Schleifstein**, [mschleifstein@nola.com](mailto:mschleifstein@nola.com),  
NOLA.com | The Times-Picayune

The federal Bureau of Safety and Environmental Enforcement has convened a panel of inspectors, engineers and accident investigators to review a break in an underwater pipe that resulted in the release of up to 9,350 barrels of oil into the Gulf of Mexico about 40 miles southeast of Venice on Thursday (Oct. 12).

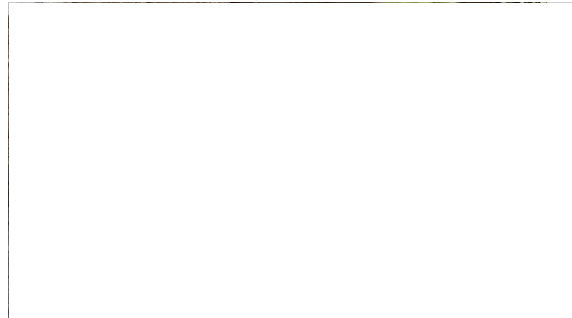
LLOG Exploration Offshore reported the ruptured pipe to the Coast Guard on Friday and was eventually able to shut off the flow of oil. The company estimated that between 7,950 barrels and 9,350 barrels of oil -- or between 333,900 and 392,700 gallons -- were released 4,463 feet below the surface. The pipe led from a deepwater well at Mississippi Canyon 209 to the company's Delta House platform nearby.

"BSEE places great emphasis on making certain all oil and gas operations on America's Outer Continental Shelf are safe," Lars Herbst, director of the BSEE Gulf of Mexico region, said in a news release. "This panel investigation is a critical step in ensuring BSEE determines the cause, or causes, of the incident and develops recommendations to prevent similar events from occurring in the future."



At the end of the five-member panel's investigation, it will release a report containing findings, recommendations, and identifying any potential violations that should be considered by the BSEE enforcement staff, the news release said. BSEE inspectors traveled to the platform Friday to begin an initial inspection.

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

# What you should know about free lead testing for your New Orleans water

Posted on October 16, 2017 at 4:06 PM



Road repairs in New Orleans could cause more lead to contaminate drinking water(Stock photo by deisin)

**By Chelsea Brasted,** [cbrasted@nola.com](mailto:cbrasted@nola.com),

NOLA.com | The Times-Picayune

As New Orleans faces \$1.8 billion in street improvements, there is something to worry about besides snarled traffic and mourning the loss of so many potholes: The literal shaking of city streets could infuse our drinking water with lead.

When I saw construction begin at the end of my Mid-City street and city workers began tearing up pavement, I wondered if our drinking water could be effected. I'd read on NOLA.com that the New Orleans Sewerage and Water Board offers free lead testing, so I made the call and did the test.

The process is fairly simple -- the hardest part is leaving your taps alone for a 6-hour-long dormant period -- and the results came quickly. (To have your water tested, call 504.865.0420 and give your address and contact details. If the call goes to voice mail, request a lead test and clearly give your address, name and phone number. Mine was delivered by USPS within a couple weeks.)

The bad news was I didn't know how to read them, so NOLA.com reporter Jennifer Larino and I met with UNO Civil Engineering assistant professor Dr. Guillermo Rincon to figure all that out.

The S&WB sent just one sheet of paper with my lead test results, which are indicated in parts per billion. EPA regulations put an action level at 15 ppb. Mine weren't nearly that high; one of my samples topped out at 8.7 ppb.

"That means you have lead in your drinking water," Rincon said. "And the truth is there's no safety level when it comes to lead."

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But there is something to be done about it. Water faucet aerators should be cleaned regularly, and there are easy install filters that go under your sink or attach to the faucet.

Rincon said consumers should look for filters certified with an NSF 53 seal for the kind that attaches to your faucet, or a reverse osmosis filtration system certified with an NSF 58 seal.

Watch our full conversation with Rincon on Facebook below.

Posted by **NOLA.com**  
6,827 Views

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## CONGRESS. LEGISLATION. POLITICS.

## APPROPRIATIONS

## Senate to release Interior-EPA bill

Kellie Lunney, Sean Reilly and Arianna Skibell, E&E News reporters

Published: Monday, October 16, 2017



Senate Interior and Environment Appropriations Subcommittee Chairwoman Lisa Murkowski (R-Alaska) and ranking member Tom Udall (D-N.M.) are set to unveil their spending bill this week. Energy and Natural Resources Committee/Facebook; Anthony DeYoung/National Park Service/Flickr

Senate appropriators aren't likely to follow the White House's lead this week when they mark up their fiscal 2018 spending bill for U.S. EPA and the Interior Department.

Republicans and Democrats on the committee have expressed dissatisfaction with a range of recommended reductions from the Trump administration, including to Interior's Land and Water Conservation Fund and EPA's overall budget.

The Interior, Environment and Related Agencies Appropriations Subcommittee, led by Chairwoman Lisa Murkowski (R-Alaska), will consider the bill tomorrow. The full committee plans to take up the legislation Thursday.

Concerns over Appropriations Chairman Thad Cochran's health, however, could lead to a schedule change. The Mississippi Republican has been recovering at home for the past few weeks from a urological procedure.

## EPA

Murkowski at a June hearing put the White House on notice: There was no chance the panel would swallow the administration's proposal to slash EPA's budget by almost one-third, from \$8.1 billion in fiscal 2017 to \$5.7 billion this year.

"We've pushed back against these cuts in the past, and I will encourage my colleagues to do so again," Murkowski told EPA Administrator Scott Pruitt in alluding to plans to reduce or zero out funding for water grants for Alaska Native villages and other programs ([Greenwire](#), June 27).

Ranking member Tom Udall (D-N.M.) was even more adamantly opposed to the administration blueprint, meaning that one outcome could be a proposed 2018 spending bill that only trims EPA's overall budget.

Targeted airshed grants, which benefit areas like Fairbanks, Alaska, that have severe soot problems, are virtually assured of at least staying at the \$30 million level.

Senate appropriators are also unlikely to accept the administration's proposal to slash Diesel Emissions Reduction Act grants from \$60 million in 2017 to \$10 million this year.

The DERA program, backed by both industry and environmental groups, hands out money to replace or retool older diesel-burning vehicles and other equipment.

In its version of the 2018 EPA spending bill, for example, the House Appropriations Committee pumped up DERA funding to \$75 million while increasing targeted airshed grants to \$40 million.

Senate appropriators will probably also bat down the White House's bid to chop or eliminate spending for cleanup efforts on the Great Lakes and other locales.

Within the bill's fine print, however, senators could again be squeezed to make trade-offs to pay for high-profile priorities.

In the wake of scandal over lead-tainted drinking water in Flint, Mich., for example, Murkowski last year trumpeted a proposed 18 percent increase in the Drinking Water State Revolving Fund, which helps pay for water projects. But that recommended increase had to be offset with cuts in other areas, such as EPA's clean air and climate programs.

And while Senate appropriators are less enamored of policy riders than their House counterparts, Murkowski's panel is expected to renew one provision added last year that requires EPA to consider forest biomass as carbon-neutral.

The panel could also again vote to allow construction of a gravel road through Alaska's Izembek National Wildlife Refuge. The House in July approved a land exchange aimed at bringing the long-contested road to fruition ([Greenwire](#), July 20).

Still to be seen is how the subcommittee handles the White House's request to set aside \$68 million for workforce restructuring at EPA in fiscal 2018. The House Appropriations Committee approved about \$58 million in its version of the bill.

## Interior

Interior likely will see cuts for several of its agencies and programs in the fiscal 2018 Senate bill, but not as steep as the White House would like.

Murkowski during a June budget hearing made it clear that she wasn't in favor of wholesale cuts to certain programs just to "hit a budget number."

The proposed cuts she said were "troubling" included reductions to programs that convey land titles to tribes and provide localities with payments in lieu of taxes.

She did praise other aspects of the proposed budget, including fully funding fire suppression activities at the 10-year average.

Montana Democratic Sen. Jon Tester was far less diplomatic in comments to E&E News shortly after Interior Secretary Ryan Zinke testified on the department's request this summer.

"These guys [at the White House] craft a piece of crap like this budget, and then they expect the secretaries to defend it," he said ([E&E Daily](#), June 27).

Conservation groups are keeping an eye out for possible policy riders they oppose, including language related to the Endangered Species Act and sage grouse.

They are also wary of any provisions that try to increase logging opportunities or make changes to the National Environmental Policy Act in the name of wildfire mitigation, particularly after this season's deadly fires.

Democrats on the committee could try to offer amendments that look into Zinke's travel budget, given the recent controversy and ensuing investigation into the secretary's official travel expenses.

The House, which passed its Interior-EPA funding bill in September as part of a larger spending package, provides \$11.9 billion for Interior, a slight decrease from the \$12.3 billion Congress appropriated in the fiscal 2017 omnibus.

It cuts funding for several Interior agencies, including the Bureau of Land Management, National Park Service, Fish and Wildlife Service, and U.S. Geological Survey, albeit not as much as the administration had proposed in most cases.

And the House version also contains an amendment from Rep. Chris Stewart (R-Utah) that would give Interior more flexibility to euthanize wild horses and would prohibit them from being used for human consumption.

## Climate, methane

While it's unclear how the Senate will handle climate-change-related provisions after a cascade of hurricanes this season, House appropriators rejected numerous climate proposals in their spending legislation.

A proposal by Rep. Matt Cartwright (D-Pa.) to add language to the House bill's report requiring agencies to prepare for the threat posed by climate change failed 21-29.

House lawmakers also adopted two amendments to their eight-bill fiscal 2018 omnibus package to ban the use of the social cost of carbon metric and EPA's methane emissions guidelines.

The administration already has tried to block the use of the social cost of carbon, though analysts say the metric could resurface given courts have upheld it several times.

While Pruitt has moved to block Obama's methane emissions rule, the plan has run into resistance from the courts, making its future uncertain.

Also this week, Senate appropriators are set to release and vote on legislation to fund the Department of Homeland Security, which could include provisions related to chemical safety.

Progress on spending bills in the House and Senate will help in negotiations to craft a broad bicameral agreement for the rest of the fiscal year.

**Schedule:** The Interior-EPA subcommittee markup is Tuesday, Oct. 17, at 9:30 a.m. in 124 Dirksen.

**Schedule:** The Homeland Security subcommittee markup is Tuesday, Oct. 17, at 3 p.m. in 138 Dirksen.

**Schedule:** The full committee markup is Thursday, Oct. 19, at 10:30 a.m. in 106 Dirksen.

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## THE LEADER IN ENERGY AND ENVIRONMENT NEWS

## EPA

## Pruitt clamps down on 'sue and settle'

Hannah Northey, E&amp;E News reporter

Published: Monday, October 16, 2017



U.S. EPA Administrator Scott Pruitt will sign a memo directing his agency to limit the "sue and settle" practice.

@EPAScottPruitt/Twitter

U.S. EPA Administrator Scott Pruitt moved today to curb settlements with environmental groups, a practice critics say the Obama administration used to issue new regulations.

Pruitt signed an agencywide **directive** that puts in place timelines for public notice of complaints against EPA.

It also steps up outreach to states or entities affected by consent decrees or settlements and moves to block attorney fees and litigation costs from being included in any deals.

"The days of regulation through litigation are over," Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

E&E News first reported in July that Pruitt had directed aides to limit "sue and settle" practices. EPA at the time said the order was an "oral directive" ([Greenwire](#), July 3).

According to the new document, EPA's Office of General Counsel will publish any notice of intent to sue the agency within 15 days of receiving such a notice from potential litigants.

The same time frame will apply to any complaints or petitions for review of environmental laws, regulations or rules in which the agency is a defendant or respondent in federal court.

EPA will reach out to states and regulated entities affected by a potential settlement or consent agreement, and will post — and regularly update — a list of all such deals, as well as attorney fees paid.

EPA is also now forbidding the "practice of entering into any consent decrees that exceed the authority of the courts" and will move to exclude attorney's fees and litigation costs when settling with parties suing the agency. Such fees will be handled in a formal manner going forward, EPA said.

Any proposed or modified consent decree or settlement will be published for a 30-day public comment period — unless a different amount of time is required by law — and a public hearing may be held if one is requested, said the directive.

EPA said today the directive was necessary given that special interest groups have filed lawsuits for years to force the agency to issue regulations to advance their interests and priorities, and on their specified time frame.

Such agreements are oftentimes reached with little to no public input or transparency, EPA said, calling such a practice "regulation through litigation."

While Pruitt today made the agency's policy formal, some of it doesn't appear to be a vast departure from ongoing EPA practices.

EPA, for example, already publishes notices of intent to sue online. Consent decrees lodged in court to resolve environmental violations are already subject to comment periods.

Environmentalists also argue that they generally enter into settlements with the agency to enforce mandatory — not discretionary — duties, such as deadlines written into the Clean Air Act.

Pruitt's move is likely to delight Republicans who have for years warned special interest groups are using court-approved orders to push political agendas ([E&E Daily](#), July 26).

And yet some conservatives are already calling for more. William Yeatman, a senior fellow at the Competitive Enterprise Institute and a self-described climate skeptic, said in a statement that more needs to be done to address the underlying problem: EPA's "woeful performance" in meeting mandatory deadlines for regulatory programs.

"During the Obama administration, for example, the EPA missed 84 percent out of more than 1,000 Clean Air Act deadlines by an average of 4.3 years," Yeatman said. "The problem is that the agency's failure to meet its legal responsibilities allows environmental special interests to sue and thereby dictate regulatory priorities to the EPA."

Environmental groups immediately blasted Pruitt for posturing about a "non-existent problem" to target legal settlements.

"Pruitt's doing nothing more than posturing about a non-existent problem and political fiction," said John Walke, a top air and climate advocate at the Natural Resources Defense Council.

"His targeting of legal settlements, especially where EPA has no defense to breaking the law, will just allow violations to persist, along with harms to Americans," Walke said.

*Reporter Amanda Reilly contributed.*

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## THE LEADER IN ENERGY AND ENVIRONMENT NEWS

## AIR POLLUTION

## Greens urge judge to reject Trump EPA's Texas haze plan

Sean Reilly, E&amp;E News reporter

Published: Monday, October 16, 2017



Visibility from an NPS air quality monitoring station webcam of Sierra del Carmen in Mexico from Big Bend National Park in southwest Texas. NPS Web Cam Archives

U.S. EPA's plan for meeting regional haze requirements in Texas is a "bait and switch," environmental groups charge in a new court filing that accuses the agency of illegally ignoring public input requirements and asks a federal judge to order EPA to submit an acceptable replacement within 30 days.

"Further delay at this point would flout the [Clean Air Act] and leave parks and wilderness areas without the protection Congress mandated," Earthjustice attorney David Baron wrote in a [motion](#) submitted late Friday with the U.S. District Court for the District of Columbia on behalf of the National Parks Conservation Association and eight other organizations.

The harshly worded filing marks the latest turn in an acrimonious legal standoff over cleanup requirements for older coal-fired plants in Texas after EPA recently unveiled a final haze rule for the state that differs dramatically from the proposal released a few weeks before the Obama administration left office ([Greenwire](#), Oct. 3).

The original EPA proposal, drafted to partially replace a state plan the agency deemed inadequate, would have required new or upgraded sulfur dioxide scrubbers on nine coal-fired power plants under "best available retrofit technology" (BART) requirements. For other gas-fired facilities that occasionally burn oil, the sulfur content of that oil would have been limited. The final rule, signed late last month by EPA Administrator Scott Pruitt, substitutes an intrastate emissions trading program.

As grounds for dropping the BART requirements, EPA cited comments from the Texas Commission on Environmental Quality and Luminant Generation Co. LLC, Texas' largest power producer. Both opposed EPA's initial proposal.

In the final rule, set for publication in tomorrow's *Federal Register*, the agency says its new approach "achieves greater reasonable progress than would be achieved through BART."

Baron dismissed that assertion in Friday's motion. While EPA's original proposal would have eventually cut sulfur dioxide releases from Texas plants by more than 190,000 tons per year, he wrote, the emissions trading program would not require any facilities to curb emissions and could potentially allow a total increase of almost 75,000 tons above 2016 levels.

And because EPA officials didn't give the public a chance to review and comment on the strategy switch, they violated the Clean Air Act's procedural requirements, Baron said. He asked U.S. District Judge Amy Berman

Jackson to order EPA to promulgate a final rule "that complies with all notice and comment procedures within 30 days."

The regional haze program, dating in its current form to 1999, aims to restore natural vistas to 156 national parks and wilderness areas by 2064. Despite that feel-good objective, the program sparked a string of legal clashes around the country over the scope of cleanup requirements for older coal-fired power plants that generate much of the haze-forming pollution.

Perhaps nowhere has the battle been more prolonged and bitter than in Texas, where a haze reduction plan is now a decade overdue. EPA was required to turn in the final rule by the end of last month under a 2012 consent decree to a lawsuit brought by environmental groups.

Jackson had previously denied EPA's eleventh-hour motion to push back the deadline until the end of next year.

Low power prices and other market forces may meanwhile help to accomplish what regulators have thus far failed to do, albeit at a cost of hundreds of jobs. In the last two weeks, Luminant, a subsidiary of Vistra Energy Corp., has announced plans to close two of the plants covered by the haze plan regulations by early next year.

In an email Friday, Vistra spokeswoman Meranda Cohn said the company decided to shutter the Big Brown and Monticello plants — both in East Texas — "in response to market economics, and not federal regulation or third-party litigation."

Luminant is also seeking a buyer for Big Brown. If that plant does ultimately close, Cohn acknowledged, the result could help the company meet regional haze program requirements.

In an email this morning, Baron said he did not foresee that the announced plant closures would affect the litigation, "as there are other Texas plants that still need to meet BART requirements."

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## ENERGY &amp; ENVIRONMENT

# Coal Struggles In Texas, Despite Pro-Coal Administration

“Rhetoric’s one thing, money’s another,” said one energy researcher

TRAVIS BUBENIK | OCTOBER 17, 2017, 7:00 AM



Dave Fehling



00:04 / 01:04

Texas coal is struggling, despite pro-coal politics. Luminant’s recent decision to close two major coal plants reveals how economics can overshadow policy.

Back in April, at a celebration of NRG's new "carbon capture" plant near Houston, Energy Secretary Rick Perry praised President Trump pro-coal policies.

"He's taken action on regulations that distorted the energy marketplace that has left communities across America devastated," Perry said.

But Texas communities near the three Luminant plants set to close early next year will soon lose hundreds of jobs. The company said low prices and competition from renewables and natural gas prompted the closures.

"Well I mean rhetoric's one thing, money's another," said Joshua Rhodes, a research fellow at the University of Texas' Energy Institute.

"If coal plants are costing more to run than natural gas plants, then they're just not going to get dispatched as often and not going to make much money," Rhodes said.

Rhodes noted these closures won't necessarily help other kinds of power generation – some coal plants that aren't closing could even make up for the loss. But, he said, if the state grid operator approves the closures, Texas will get a bigger chunk of its power mix from wind energy than from coal by early next year.

Travis Bubenik

ENERGY & ENVIRONMENT REPORTER



Travis Bubenik reports on the tangled intersections of energy and the environment in Houston and across Texas. A Houston native and proud Longhorn, he returned to the Bayou City after serving as the Morning Edition Host & Reporter for Meander Public Radio in Far West Texas. Bubenik was previously the...

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# TEXAS' CLEAN ENERGY PRODUCERS STAND TO LOSE IF EPA ABANDONS CLEAN POWER PLAN

The Obama administration's Clean Power Plan would have boosted renewable energy and natural gas. The EPA's repeal favors coal.



Texas Standard

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*Mose Buchele/ KUT News-StatelmpactTexas*

On January 6, 2012, City of Austin officials held a ribbon-cutting ceremony for a 30-megawatt solar farm.

Last week Environmental Protection Agency Director Scott Pruitt announced the EPA will try to repeal the Obama administration's Clean Power Plan. That's just one of many [regulatory rollbacks](#) the agency is pursuing.

The Clean Power Plan would have been a big boost for Texas. [Kiah Collier](#), a reporter for the [Texas Tribune](#), says to expect legal challenges to the repeal.

"Texas is the number one wind producer, as well as the number one producer of natural gas, so Texas stood to benefit economically if the Clean Power Plan had taken effect," she says.


The effort to repeal the plan has created some strange bedfellows. Advocates for natural gas and advocates for renewable energy have teamed up to oppose policies that would prop up the coal industry.

"Natural gas, which is cleaner-burning and a lot cheaper than coal, is one of the biggest winners from these clean-power policies that were put in place by the Obama administration," Collier says.

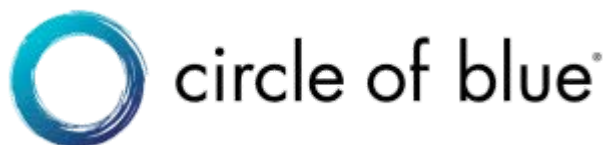
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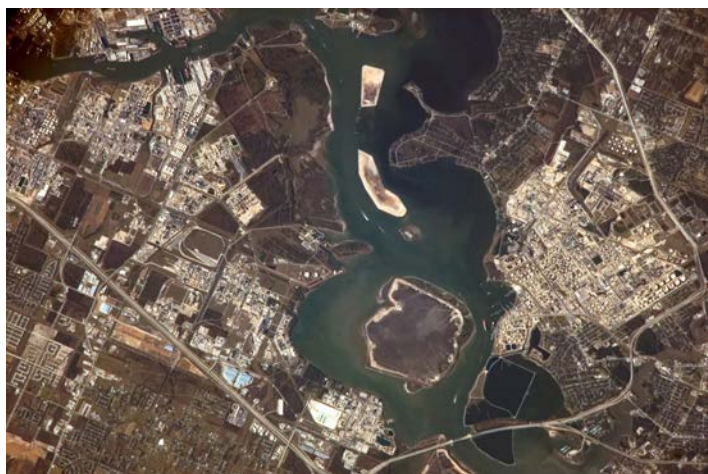


## WaterNews

# EPA Cleanup Plan for Houston Superfund Site Opposed by Industry

October 17, 2017 / in Water News, Water Quality / by Brett Walton

*The San Jacinto waste pits were flooded during Hurricane Harvey. EPA and industry differ on how to minimize contaminant risk.*



The San Jacinto River meets the Houston Ship Channel before entering Galveston Bay. The San Jacinto waste pits are just upstream. Photo courtesy of NASA Johnson

**By Brett Walton, Circle of Blue**

In a decision cheered by environmental and public health groups, the U.S. Environmental Protection

Agency finalized a \$115 million cleanup plan for the San Jacinto waste pits, one of the Houston-area Superfund sites that was flooded in August during Hurricane Harvey.

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Local officials praised the EPA's decision to recommend complete removal of soils that are contaminated with dioxin, a cancer-causing chemical that can take centuries to break down, the most important action that the EPA has taken in Harris County. Dioxin has been found in fish and crabs in the San Jacinto River and downstream in Galveston Bay, areas of commercial and recreational fishing.

EPA Administrator Scott Pruitt has said since taking office in February that Superfund cleanups are among his top priorities. Pruitt, in a May 22 memo [[https://www.epa.gov/sites/production/files/2017-05/documents/prioritizing\\_the\\_superfund\\_program\\_memo\\_22-2017.pdf](https://www.epa.gov/sites/production/files/2017-05/documents/prioritizing_the_superfund_program_memo_22-2017.pdf)], put himself in charge of major Superfund actions — those expected to cost \$50 million or more. He visited the San Jacinto site in September and signed the record of decision. As one of his first major Superfund decisions, the San Jacinto waste pits will test Pruitt's commitment to the program.

The agency's plan [<https://www.epa.gov/tx/sjrwpl>] for the 34-acre site faces hurdles. The two companies responsible for the cost of cleanup oppose the decision, preferring a cheaper option that leaves contaminated soils in place, wrapped in high-tech fabrics, covered with rock, and protected with steel pilings.

A dump for paper mill waste in the 1960s, the San Jacinto pits were named a Superfund site in 2008. When Hurricane Harvey inundated the Houston area with as much as 50 inches of rain, the resulting torrent of water damaged a temporary cap placed over the site, part of which extends into the San Jacinto River.

The EPA cleanup plan entails excavation and removal of 212,000 cubic yards of contaminated soils. Small, temporary dams will be built to redirect the river and dry out the work area. Most public comments supported this course of action, and the EPA says that complete removal is “the most effective in reducing the toxicity, mobility, and volume of waste compared to all of the other alternatives.”

The entities responsible for the cleanup costs are McGinnes Industrial Maintenance and International Paper. The EPA will now begin negotiating a settlement. After a mandatory 60-day negotiation period, the EPA can extend talks if the companies seem willing to work out a deal.

If no agreement can be reached, the EPA could order the companies to follow its plan and take legal action if they do not comply. Or, the agency could proceed with its cleanup plan and seek reimbursement from the companies.

Both companies oppose the EPA plan and prefer reinforcing the existing cap, a course of action that would cost less than half as much.

“International Paper respectfully disagrees with the decision by the EPA,” according to a statement the company sent to Circle of Blue. “The company is committed to protecting public health and the environment and we believe that remediation planning for the San Jacinto site must be rigorous,

transparent and science-based and lead to engineering standards that will protect the river and the community.”

Modeling work done by the Army Corps of Engineers contradicts industry’s assessment. A major hurricane with flooding, storm surge and wind-driven waves would erode a reinforced cap, the Army Corps says. Rising seas and a “dynamic river environment” add to the risk of relying on a manmade structure, according to the EPA.

The temporary cap has already been damaged on multiple occasions. After Hurricane Harvey, EPA responders found that storm punctured the protective cap and caused chemical levels in the river to spike. Tests at one of 14 monitoring sites showed dioxin levels at 70,000 parts per trillion, more than 2,333 times higher than the site’s cleanup goal of 30 parts per trillion. The cap was reinforced with rock in early October.

The risks from flooding were foreseen. The EPA noted in a draft cleanup plan that the protective cap could be damaged by a large hurricane or severe storm.

“Because the intensity of future storms and flooding may increase, estimates regarding the ability of a cap (even a cap with increased armoring) to contain the dioxin waste material is highly uncertain,” the report stated.



Since the cap was installed in 2011, the EPA has documented at least eight instances of leaks or erosion.

The pits were built in 1965 in marshes adjacent to the San Jacinto River as a disposal site for pulp from Champion Paper Mill, located upstream in

Pasadena, Texas. Because of large-scale groundwater pumping and dredging sand from river banks, land in the area sank in the following decades. Berms that contained the pulp wastes collapsed and partially submerged the site in the river.

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**Brett Walton**  
[http://circleofblue.org/

Brett writes about agriculture, energy, infrastructure, and the politics and economics of water in the United States. He also writes the Federal Water Tap [http://www.circleofblue.org/wtap/] , Circle of Blue’s weekly digest of U.S. government water news. He is the winner of two Society of Environmental Journalists reporting awards, one of the top honors in American environmental journalism: first place for explanatory reporting for a series on septic system pollution in the United States [http://www.circleofblue.org/2 (2016) and third place for beat reporting in a small market (2014). Brett lives in Seattle, where he hikes the mountains and bakes



pies. Contact Brett Walton  
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# Report: Texas water supplies in farm country pose cancer risks

METRO-STATE By Johnathan Silver - American-Statesman Staff



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Posted: 12:02 a.m. Tuesday, October 17, 2017

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## Highlights

Two water systems in Central Texas were found to have dangerous pollutants exceeding federal limits.

Managers of those districts say they've corrected problems.

Researchers with a nonprofit environmental advocacy group warn that high levels of contaminants in drinking water supplies in rural areas of Texas — including Central Texas — and across the country increase risks of cancer and birth defects, according to a report released Tuesday.

The Environmental Working Group says drinking water in farm country is threatened by nitrates, chemicals found in manure and commercial fertilizers, and trihalomethanes, a chemical byproduct created when “utilities treat water with chlorine to remove algae, fecal bacteria and other farm pollutants.”

Too much nitrate in water can increase chances of “colon, kidney, ovarian and bladder cancers,” and high trihalomethane levels in water have ties to “cancer and reproductive harm,” according to the report.

Using data from between 2014 and 2015, the report highlights numerous water systems in Texas, with about 15 in the Austin area, that have high but legal levels of trihalomethane in their water and two not in compliance.

### RELATED: Arsenic persists in some Texas water supplies

The Bastrop County Water Control and Improvement District No. 2 averaged 96.54 parts per billion of trihalomethane in its water supply between 2014 and 2015, according to the report. The federal limit for safe drinking water is 80 parts per billion.

“It’s not a problem,” said Jim Ouellet, the water district’s general manager. “It’s a problem when you add chlorine to the water.”

Ouellet said the water district now uses new water treatment equipment.

“We’re hoping that the results indicate success,” he said.

The Oak Shores Water System, which operates in Travis County, had an average trihalomethane level of 87.76 parts per billion in drinking water from 2014 to 2015, according to the report.

“It’s been back down,” said Russell Eppright, whose company, PK-RE Development Co. Inc., owns the Oak Shores Water System.

Eppright said a new operator came into the picture in 2015 and changed the chemical it uses to remove solids.

Eppright calculated an average trihalomethane level of 77.05 parts per billion from August.

Inverness Point Water System, which serves customers west of Austin, had an average trihalomethane level of 79.65 parts per billion between 2014 and 2015, just under the allowed limit of 80 parts per billion, according to the report.

Inverness "meets all EPA limits established for trihalomethanes, and we follow all (Texas Commission on Environmental Quality) testing protocols," said Tim Williford, environmental health and safety manager at parent company SouthWest Water Co., which serves those customers as **Inverness**.

One water supply system in Central Texas was cited in the report for high levels of nitrate but not exceeding federal limits. The report found 6.56 parts per million of nitrate in the Garfield Water Supply Corp. in eastern Travis County. The federal limit is 10 parts per million.

A spokesman with the Texas Agriculture Commission declined to comment until after seeing the report. Officials with the Environmental Protection Agency and the U.S. Department of Agriculture did not respond to a request for comment. Neither did officials from the U.S. House Agriculture Committee.

#### **Other local trihalomethane level averages from between 2014 and 2015:**

- Guadalupe-Blanco River Authority IH35 Treated Water Transmission System (Hays County) - 61.45 parts per billion
- Lincoln Water Supply Corporation (Lee County) - 61.05 parts per billion
- Garfield Water Supply Corporation (Travis County) - 66.53 parts per billion
- Barton Creek Water Supply Corporation (Travis County) - 73.66 parts per billion
- Travis County Municipal Utility District No. 11 - 65.03 parts per billion
- City of Austin River Place Water System - 63.49 parts per billion
- Loop 360 Water Supply Corporation (Travis County) - 64.78 parts per billion
- Travis County Water Control and Improvement District No. 18 - 72.50 parts per billion
- City of Lago Vista - 66.58 parts per billion
- Round Rock Ranch Public Utility District Utility Company (Williamson County) - 69.90 parts per billion
- Blessing Mobile Home Park (Williamson County) - 63.75 parts per billion

#### **Nitrate level reported**

- Garfield Water Supply Corporation (Travis County) - 6.56 parts per million



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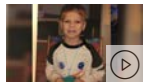
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COAL COUNTRY —

## More than 4,000MW of coal power slated for retirement in Texas. But why?

In 2008, coal supplied 51% of US power. Today, it's 31%, and that could fall.

MEGAN GEUSS - 10/16/2017, 3:45 PM



George Frey/Getty Images

[Enlarge](#) / Emissions rise from smokestacks at PacifiCorp's 1,000MW coal-fired power plant on October 9, 2017 outside Huntington, Utah.

Late last week, power company Vistra Energy announced that it would close two of its Texas coal plants by early 2018. In a press release, the company blamed "Sustained low wholesale power prices, an oversupplied renewable generation market, and low natural gas prices, along with other factors."

Just the week before, Vistra subsidiary Luminant had [announced another Texas plant closure](#), according to Reuters. The three Texas coal plants reflect more than 4GW of capacity. The plants are only the latest in a string of announced retirements from power companies that find their coal units offline more and more often due to low electricity prices.



just last week, and, in late September, the Department of Energy proposed a rule that would increase compensation for facilities that can store 90 days of fuel onsite (*i.e.*, coal and nuclear energy). Industry watchers expected the proposed lifelines would forestall exits from coal generation. (In Texas, the Clean Power Plan repeal is expected to help coal out considerably, although the Department of Energy proposed rule won't have too much of an effect because Texas' grid operator is exempt from Federal Energy Regulatory Commission rules.)

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It seems that any expected help from the US government would not be enough to keep the older Texas plants economic. Bloomberg writes that, although demand for electricity has been growing in the Lone Star State (in contrast to much of the rest of the country, where demand is largely flat), wholesale prices for electricity have plummeted to \$25 per megawatt-hour from a high of \$49.3 per megawatt-hour in November 2014.

The Electric Reliability Council of Texas (ERCOT) announced in September that it expected to have a record-breaking winter, hitting 61,000MW of power demand. But supply would easily be able to meet that demand. "Nearly 86,000MW of total generation resource capacity is expected to be available for peak demand," ERCOT wrote. The council added that approximately 3,000MW of new generation capacity had been added between May and September 2017, including "two gas-fired combined-cycle units totaling 2,200MW."

Utility Dive also notes that 4GW of wind power is expected to come online in Texas in the coming years. That would mean installed wind capacity would exceed installed coal capacity in Texas if all coal retirements and all wind installations move forward as planned.

## Mixed forecasts for coal

There's reason to think that this trend may continue. A new report (PDF) from the Union of Concerned Scientists (UCS), which advocates for environmental protection, puts the closure of coal plants into some context. According to the union, these closures aren't particularly novel. The report found that between 2008 and 2016, coal went from supplying 51 percent of the US' power supply to just 31 percent of the mix.

Even now, with coal supplying one-third of the US' power, UCS estimated more than 20 percent of existing coal power plants are "uneconomic" in today's electricity market. They may face retirement before 2030. (That's not including the 18 percent of the country's existing coal capacity that is already announced for retirement or conversion to natural gas.)

More coal plants may join the "uneconomic" group soon, too. The UCS wrote in its report that it found "a significant number of currently operating coal units that are just marginally economic, meaning that even a slight increase in costs would make them uncompetitive compared to alternatives." That is, if the price of natural gas declines further or wind and solar continue to expand, those marginally economic plants will be threatened with closure. Additionally, if anything increases the cost of delivered coal, or if older coal plants start requiring more maintenance, that could threaten those plants, too.

### A POLLUTING NEIGHBOR

Coal is the biggest source of carbon dioxide (CO<sub>2</sub>) pollution in the US' energy sector, and coal-burning plants, especially older ones, release particulates that are detrimental to health as well. Living near coal plants has been linked to lower birth weights as well as heightened

also estimated that, in 2000, the

The Trump administration's proposed rule to compensate power-generating plants for having 90 days' worth of fuel stored onsite would certainly help out those marginally economic coal plants. The Energy Information Administration (EIA) **also predicts that US energy demand will rise in 2018** due to increased heating and cooling needs in the year to come. The EIA also predicts that **coal will hold its 30-percent share of generation capacity through 2018** as natural gas demand increases, driving up the price for that fuel.

million people lived within 3 miles of a coal plant, but, by the end of 2016, only 3.3 million people did. Once all the announced coal retirements go into effect, that number is expected to drop to 1.9 million.

Still, barring a dramatic government bailout or some unforeseen shock in electricity markets, coal's comeback doesn't seem like it's on the horizon. The UCS naturally recommends that communities actively plan for retirements rather than try to stanch the bleeding. "Coal miners and coal-dependent communities need real action," the organization says. "Attempts to roll back vital public health and environmental safeguards are not likely to change market factors driving out coal."

But despite the economic implications of closures, eliminating coal plants will no doubt offer environmental benefits. The UCS wrote that as older, less-efficient coal plants started being retired in 2008, it "led to an 80-percent reduction in SO<sub>2</sub> emissions and a 64-percent reduction in NO<sub>x</sub> emissions, as well as a 34-percent reduction in global-warming carbon dioxide (CO<sub>2</sub>) emissions."

**Update:** This article was amended to reflect that ERCOT is exempt from FERC rules.

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## A celebration of Cassini

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### MEGAN GEUSS

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# Plans to test school drinking water for lead were abandoned after water board raised questions

16th October 2017 · 0 Comments

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By Marta Jewson  
The Lens

New Orleans school officials abandoned plans to test water fountains and faucets for lead after the Sewerage and Water Board argued they should allow more lead in the water before taking action, according to documents obtained by The Lens.

The water agency said it wanted to collect samples alongside the company hired by the school districts. That led the head of the company to raise the possibility of dueling test results.

Paul Lo, president and senior environmental scientist of Materials Management Group, emailed administrators at the Recovery School District and the Orleans Parish School Board to lay out a few different scenarios.

If his company detected lead but the Sewerage and Water Board didn't, "definitely a challenge from SWB to MMG's data will happen," he wrote.

And if his company didn't detect lead but the Sewerage and Water Board did? "I am not sure if SWB will share this data."

The samples were supposed to be collected last fall, but that never happened. Instead, the school districts decided to install water filters.

"The two districts together have made the decision to take preventative action at all schools regardless of their lead levels as opposed to testing each school," Laura Hawkins, the Recovery School District's deputy chief of staff, told The Lens by email.

Officials with the two school districts have said they made that decision based on the advice of experts.

That's not the full story, according to emails and documents reviewed by The Lens. The school districts changed course after the Sewerage and Water Board questioned the testing method, the lab that would analyze the results, and the lead level that would cause them to stop using water from a particular water fountain or faucet.

Patrick Dobard was the superintendent of the Recovery School District at that time.

"I guess there was some feedback from the conversations that included the testing would be difficult since there was not a lot of agreement on what the action level would be," he said.

Marc Edwards, a professor of environmental and water resources engineering at Virginia Tech University, said, "To some extent, their argument has merit. What's the point of finding problems that already exist?"

"Here's the thing about testing in schools," he said. "You can't undo the harm that's been done. You can only prevent future harm."

That's why he recommends remediation — filters, for example.

But more than a year after the water would have been tested, the filters have not been installed. The Orleans Parish School Board didn't ask for bids until this summer. They were opened in September.

After The Lens first reported on the decision to shift from tests to filters, the two school districts told school leaders the filters would be installed this fall.

"It sounds like they've got a good plan," Edwards said. "And hopefully it can be implemented soon."

### School Districts Promise To Be Proactive

It all began the day officials in Flint, Michigan, were indicted for crimes related to lead poisoning in the city's water. The Recovery School District and the Orleans Parish School Board announced they would test school water for lead.

Louisiana law says any facility where children are cared for, including daycares, must be "maintained free of lead contamination." That includes paint, soil and water.

The law doesn't appear to require water tests. But the U.S. Environmental Protection Agency "strongly recommends" schools test drinking water for lead.

In August 2016, a couple weeks after the announcement, Dobard emailed Cedric Grant, who was then the head of the Sewerage and Water Board, to tell him testing would start in two weeks.

“If any results are found above the EPA’s action level for lead in water we will be prepared to supply schools with alternative drinking water and hand washing stations,” Dobard wrote.

His message was forwarded to Vincent Fouchi Jr., the Sewerage and Water Board’s chief of operations. He offered to help.

“We have a vested interest in ensuring that your lead testing program is successful, and that the data generated from your program is accurate and representative,” Fouchi wrote.

He wanted to collect duplicate samples to analyze. Others at the water board agreed.

Tiffany Delcour, the Recovery School District’s head of operations, sent a copy of the testing plan and they all agreed to a conference call.

### Sewerage And Water Board Questions Testing Plan

A few days before the call, Fouchi circulated a copy of the testing plan with his questions and notes.

Ten schools were to be tested, a mix of buildings built before and after Hurricane Katrina, at a total cost of \$24,336. Fouchi asked how the schools had been picked.

The plan called for uniform testing at every school, including a drinking fountain on each floor, the two primary kitchen faucets and the service tie-in to the facility. Fouchi thought school administrators should decide which water fixtures were used the most at each site.

Some of the water board’s objections appear to deal with concerns that the testing would examine lead levels in the pipes leading to the schools. The water system is required by law to conduct its own tests for lead and other contaminants.

Fouchi asked why the company planned to take three water samples. He thought they should use two.

The testing plan initially called for shutting off a water fixture if it tested at 10 parts per billion or higher. “What standard is this?” Fouchi wrote.

A colleague at the water board suggested testing all faucets and kitchen taps in schools built before Hurricane Katrina. He didn’t think newly constructed schools would need testing.

Edwards said that’s not exactly true. Many faucets contain brass, and “we were adding lead to brass through January 2014,” he said.

Edwards said a lead level as low as one part per billion in a school drinking fountain should trigger an intervention. That’s what the American Academy of Pediatrics recommends.

“It’s practically impossible,” he said, for fixtures in buildings built before January 2014 to have lead levels below that.

The conference call on Aug. 16, 2016 included representatives of the water board, the school districts and the testing company.

Ann Wilson, chief of environmental affairs for the water agency, took notes. They describe disagreement between her agency and the school districts over what lead level should trigger intervention.

Without any test results, Wilson wrote, the use of filters is “strictly speculative.”

The initial testing plan said a water fountain or faucet should be taken out of service if it tested at 10 parts per billion or higher. The water agency said it should be twice as high, in line with EPA standards for school fixtures.

“After being asked to review the methodology proposed by the School Board’s contractor, S&WB recommended using the EPA’s methodology for lead testing in water at schools,” city spokesman Erin Burns wrote in an email to The Lens.

“Both the two-draw method and 20 ppb [parts per billion] action level is in accordance with the EPA guidelines for testing in schools,” she wrote.

Adrienne Katner, a principal investigator with the New Orleans Lead Exposure Assessment for Drinking Water Project and an assistant professor at Louisiana State University’s School of Public Health, has criticized the EPA’s threshold, saying it has no medical basis.

Edwards has overseen lead testing in Flint and other large-scale water studies. He said “the ground is shifting beneath our feet” regarding what level should cause alarm.

“The worst lead in water tends to occur in schools and in daycares because this water sits for long periods,” causing lead from fixtures and pipes to seep into the water, he said.

Children are particularly vulnerable to lead poisoning. Research has shown they can be harmed even at low levels that in the past didn’t raise concern.

“That’s probably part of the angst that those emails capture,” Edwards said.

“You can never have 100 percent confidence” based on a water sample, he said. “It’s like Russian roulette ... Chunks of lead fall out sometimes. They don’t fall out other times.”

That’s why filters, which can remove 99 percent of lead, can be more cost-effective, he said. Katner agreed.

The people on the conference call discussed an action level as low as five parts per billion, which two water board employees questioned.

Wilson wrote in her notes that the testing company and the school district “will review action limit for lead.”

### Testing Company Raises Questions About Dueling Test Results

Three days after the meeting, Lo sent his message detailing the possibility of dueling test results.

Unless his company and the water agency coordinated their sample collection, he wrote, “there will be dispute over sample collection, sample preservation, analytical methodology” and quality control.

If his company detected lead and the water board did not, he said they could expect a challenge. (It’s not clear from his email whether he was referring to any lead in the water or a concerning level.)

If the Sewerage and Water Board found lead but his company didn’t, Lo wondered if the water board would share its results. If they both found lead, he anticipated disagreement over which test result was reliable — especially if one was above the action level.

The only case in which he didn’t anticipate a problem is if neither his company nor the water agency detected lead. “Everyone is happy,” he wrote.

Delcour responded to him and her counterpart at the Orleans Parish School Board.

“So if I understand the information provided then we should change the lead level that triggers our alternative water response plan to 15 ppb from the previously understood 10 ppb?” she asked.

They set up a phone call to discuss.

At some point in the next week, the Recovery School District updated the testing plan, increasing the threshold to 15 parts per billion.

### After Delay, School Districts Switch To Water Filters

According to the revised testing plan, the samples were to be collected in September and October 2016.

That November, the districts still appeared to be making plans to test.

But at some point between then and April, the school districts decided to install water filters instead.

Dominique Ellis, a spokeswoman for the Orleans Parish School Board, wrote in an email that employees of both school districts talked with experts. “Some of the feedback from these conversations included that testing would be difficult since there is little agreement on action levels,” she wrote.

“Over the next several months, OPSB and RSD facility staff researched and reviewed various options” until they settled on water filters, she wrote.

She wouldn’t allow us to interview officials, including Orleans schools Superintendent Henderson Lewis Jr., to learn more about the decision to drop testing.

Edwards agreed with the decision to install filters. Lead can be dislodged from pipes when they’re shaken during roadwork or after a change in water treatment.

“How many times would you have to test it to know this is not a hazard?” he asked.

The Orleans Parish School Board is overseeing the filter installation, which includes all schools in district-owned facilities, the majority of which are independent charters.

Schools that are housed in private buildings such as churches can ask to be added to the project; several already have.

Drinking fountains and kitchen taps will get a three-filter system that removes particles and lead. The system must be able to keep the water safe during “boil water” advisories, which occur occasionally when the water board experiences a power outage that drops water pressure.

The school district received two bids for the filters and plans to select Ecowater Systems, Ellis said. The district consulted with that company before writing the bid specifications.

“As soon as the installation timeline is established, OPSB will begin planning and communicating with schools across the city,” she wrote.

Edwards praised the district’s plan to install filters. “The sooner this gets fixed,” he said, “the better.”

The above article originally appeared on The Lens website ([www.thelensnola.org](http://www.thelensnola.org)). The Louisiana Weekly enjoys a partnership with The Lens.

This article originally published in the October 16, 2017 print edition of The Louisiana Weekly newspaper.



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Material quotes for the following: concrete, trusses, paint, flooring.

NOAHH encourages any DBE-certified contractors to submit quotes.

Email Ellen at [ellenr@habitat-nola.org](mailto:ellenr@habitat-nola.org) for an application package.



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# City of Sulphur re-introduces fluoride to water system

*Published: Monday, October 16th 2017, 4:30 pm CDT*

*Updated: Monday, October 16th 2017, 6:28 pm CDT*

By Kaitlin Rust, Reporter [CONNECT](#)

SULPHUR, LA (KPLC) - There's something different in the Sulphur City Water supply and not everyone is happy about it.

The City just re-introduced Fluoride into its system today, to meet a state requirement.

Many Sulphur residents are concerned about re-establishing Fluoride in their drinking water, but medical experts are certain it's not harmful especially with such low quantities in the water.

The City of Sulphur was already feeding fluoride until the age of the equipment caused it to become unreliable.

Sulphur's Public Works Director, Mike Daigle, explains this project has been two years in the making after the city acquired loans and grant money from the EPA and state health department.

"It's a very small amount but it's a required level as set forth by the CDC in the EPA standards," said Daigle. "It's what all or most water systems who feed chlorine in this area are required to feed by the state."

The city, along with every other public water system in the state, is required to have fluoride in the water due to the 2008 Louisiana Community Water Fluoridation Act.

"It occurs naturally," said Daigle. "Our particular water system has about 0.2 ppm content, but for it to be most beneficial for oral health, 0.7 is recommended by the state."

The city has worked closely with the office of public health to design this new system, which will safely introduce fluoride into the water at 0.7 parts per million.

That's about three-fourths of a gallon fluoride in one million gallons of water.

"They're putting it at 0.7 ppm, which is underneath where its harmful. It'll only have the effect it's supposed to have, which is making the enamel harder to prevent decay," said Dr. Mark Bowers, a dentist of 29 years.

Bowers says fluoride has been around for 100 years and has been awarded as one of the best medical inventions of the century for its prevention of tooth decay.

"The effects of it have been very thoroughly tested, so it's one of the safest things you could do," said Bowers.

The city says daily testing twice a day will be performed to ensure proper fluoride feed rate. There are also replacement parts on hand in case of any maintenance needs.

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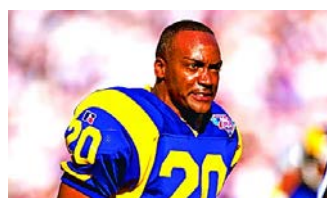
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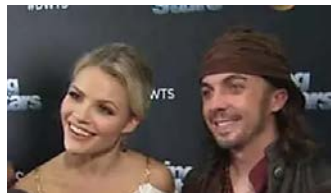
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